IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 34281 of 2004(F)

PETITIONER:

C.K.MOHINI,
(FORMERLY KNOWN AS C.K.SULOCHANAN)
AGED 35 YEARS, S/O.LATE C.K.KITTAN,
PUTHUPURAYIDATHIL, PANACKAVAYAL,
MUKKOOTTUTHARA P.O., KOTTAYAM-686 510.

BY ADV. SRI.JOY GEORGE
SMT.PRAICY JOSEPH
SRI.SAJITH PAUL MATHEW
SMT.SOBINA ABRAHAM

RESPONDENTS:

1. **HINDUSTAN PETROLIUM CORPORATION LTD.,**
   REP. BY ITS SENIOR DIVISIONAL MANAGER,
   TATAPURAM P.O., P.B.NO. 1601, ERNAKULAM.

2. **INDIAN OIL CORPORATION LTD.,**
   REP. BY SENIOR DIVISIONAL RETAIL SALES MANAGER,
   INDIAN OIL CORPORATION LTD.,
   PANAMPILLY NAGAR, KOCHI-682 036.

3. **BHARAT PETROLIUM CORPORATION LTD.,**
   REP. BY ITS SENIOR DIVISIONAL MANAGER,
   BHARAT PETROLIUM CORPORATION LTD.,
   PANAMPILLY NAGAR, KOCHI-682 036.

4. **IBP CO. LTD., REP. BY ITS SENIOR**
   DIVISIONAL MANAGER, MKK NAIR ROAD,
   PALARIVATTOM-25.

5. RELIANCE INDUSTRIES LTD.,
(PETROLIUM BUSINESS), 8TH FLOOR, CAPITAL TOWERS,
180, KODAMBAKKAM HIGH ROAD, NUNGAMBAKKOM,
CHENNAI-600 034.

6. ESSAR OIL LTD., REP. BY HEAD SOUTH
ZONE, 5TH FLOOR, 7 ESPLANADE, CHENNAI-600 108.

7. THE UNION OF INDIA, REP. BY THE
SECRETARY, MINISTRY OF PETROLIUM,
NEW DELHI.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, BPC (R3)
SMT.S.AMBIKA DEVI, ADDL.CGSC -- R7
SRI.E.K.NANDAKUMAR -- R1 & R2
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 34281/2004 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER BY THE R1 DT. 27/3/95.

EXT.P2. COPY OF THE GAZETTEE NOTIFICATION DT. 22/1/03 CHANGING THE NAME OF THE PETITIONER AS C.K. MOHINI.

EXT.P3. COPY OF THE NOTICE DTD. 25/09/04 BY THE R1 TO ONE MR. K.E.MATHEW.

EXT.P4. COPY OF THE NOTICE DATED 17/08/04 WAS ISSUED BY R1 TO ANOTHER DEALER Y NAME K.K. MOHAMMED AND CO.

EXT.P5. COPY OF THE STATEMENT OF THE DAILY SALES RECORDS OF THE PETITIONERS OUTLETS AT OMALLOOR.

EXT.P6. COPY OF THE ADVERTISEMENT DT. 30TH OCT. 2004 IN MALAYALA MANORAMA DAILY INVITED APPLICATIONS AT OMALLOOR.

RESPONDENT'S EXHIBITS **NIL.**

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 34281 OF 2004

Dated this the 8th day of August, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

> i) Issue a writ of mandamus or order or direction directing the 7th respondent to formulate a policy for the survival of existing retail outlets which were awarded under SC/ST quota due to the liberal policy of starting new outlets.
>
> ii) Issue a writ of mandamus or order or direction directing the respondents 1 to 6 not to award or notify new outlets in the locations in which SC/ST dealership is running to avoid competition of SC/ST dealers with the general category.

2. Since the petitioner has sought for a writ of mandamus, it is for the petitioner to first approach the competent authority.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp